

**BEFORE THE INSURANCE COMMISSIONER
FOR THE STATE OF ARKANSAS**

**IN THE MATTER OF
BERRY BISHOP,
NPN NO. 941570**

A.I.D. NO. 2018-102

AGREED ORDER

WHEREAS, the Arkansas Insurance Department ("Department") and Berry Bishop ("Respondent") hereby enter into this Agreed Order subject to the review and approval of the Arkansas Insurance Commissioner ("Commissioner").

GENERAL STIPULATIONS

1. It is expressly understood that this Agreed Order is subject to the Commissioner's acceptance and has no force or effect until such acceptance is evidenced by the entry of the Commissioner.
2. This Agreed Order is executed by the Respondent for the purpose of avoiding further administrative action with respect to this cause. Furthermore, should this Agreed Order not be accepted by the Commissioner, it is agreed that presentation to and consideration of this Agreed Order by the Commissioner shall not unfairly or illegally prejudice the Commissioner from further participation or resolution of this matter or any administrative proceedings.
3. Respondent fully understands that this Agreed Order will in no way preclude additional proceedings by the Commissioner against the Respondent for acts or omissions not specifically addressed in this Agreed Order or for facts and/or omissions that do not arise from the facts or transactions herein addressed.
4. After consultation with legal counsel, the Respondent expressly waives all further procedural steps, and expressly waives all rights to seek judicial review of or to otherwise

challenge or contest the validity of the Agreed Order, the stipulations and imposition of discipline contained herein, and the consideration and entry of said Agreed Order by the Commissioner.

FINDINGS OF FACT

5. Respondent holds an Arkansas Resident Producer License, NPN No. 941570. The Respondent's license was summarily suspended by A.I.D. Order No. 2018-42 on April 17, 2018, for the reasons stated therein. The Findings of Fact and Conclusions of Law contained in A.I.D. Order No. 2018-42 are incorporated herein by reference.

6. Respondent, while working in his capacity as an insurance producer, used the personal information of at least four (4) insurance customers without their knowledge or consent to complete as many as seventeen (17) applications for premium insurance financing agreements.

7. Respondent submitted the fraudulent premium financing applications to the Bank of Prescott for the purpose of obtaining financing for fictitious insurance policies.

8. The loan proceeds for the fictitious policies were then deposited into the bank account of Alliance Insurance Group of Arkadelphia, NPN No. 1650844, by the Respondent. Respondent was the incorporator and sole owner of Alliance Insurance Group of Arkadelphia, which is now in bankruptcy.

9. These fraudulent activities took place between 2016 and April of 2018.

10. Respondent has filed bankruptcy in the United States Bankruptcy court for the Western District of Arkansas.

CONCLUSIONS OF LAW

11. The Commissioner has jurisdiction over the parties and the subject matter pursuant to Ark. Code Ann. §§ 23-61-103, 23-64-216, and other provisions of the Arkansas

Insurance Code.

12. The Commissioner hereby concludes that the facts set forth in the Findings of Fact above provide grounds for the revocation of the Respondent's Arkansas Resident Producer License pursuant to Ark. Code Ann. § 23-64-512 and other provisions of the Arkansas Insurance Code.

13. The Respondent, while not admitting the allegations contained herein, hereby desires to enter into this Agreed Order for purposes of settling the previously referenced administrative action.

ORDER

NOW THEREFORE, on the basis of the foregoing and the waiver of the Respondent of his rights to a hearing and appeal under the Arkansas Uniform Administrative Procedures Act, Ark. Code Ann. §§ 25-15-201, *et seq.*, and the admission by the Respondent of the jurisdiction of the Commissioner, the Commissioner finds that the Respondent has consented to the entry of this Agreed Order.

IT IS HEREBY ORDERED that:


Respondent's Arkansas Resident Producer License, NPN No. 941570 is hereby **REVOKED**. Respondent agrees that he will not reapply for an insurance producer or other insurance license in the State of Arkansas. However, in the event that he does, the Respondent agrees that this Agreed Order may be considered in the granting or denial of such application. Further, Respondent agrees that he shall not take any position as an owner, officer, director or employee of any entity conducting the business of insurance in the State of Arkansas.

This Agreed Order is in the public interest, is in the best interests of the parties hereto, represents a compromise and settlement of the controversy between the parties and is for settlement purposes only. By his signature affixed below, the Respondent affirmatively states

that he has freely agreed to the entry of this Agreed Order, that he has been advised that he may consult legal counsel in this matter and has had the opportunity to do so, that he waives his right to a hearing on the matters underlying this Agreed Order, and that no threats or promises of any kind have been made by the Commissioner, the Department, or any agent or representative thereof. The parties, by signing this Agreed Order, affirmatively state their agreement to be bound by the terms of this Agreed Order and affirm that no promises or offers relating to the circumstances described herein, other than the terms of settlement set forth in this Agreed Order, are binding upon them.

Respondent, through his signature to this Agreed Order, agrees that the entry of this Agreed Order may be used by the Commissioner as grounds to deny any application for licensure filed with the Commissioner at any time in the future.

IT IS SO ORDERED THIS 15th day of November, 2018.



ALLEN KERR
INSURANCE COMMISSIONER
STATE OF ARKANSAS

APPROVED FOR ENTRY:



BERRY BISHOP,
RESPONDENT